

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JIANGSU HIGH HOPE CORPORATION

Plaintiff,

-against-

Case No.: 17-cv-1570 (PAC)

ANSWER

PARIGI GROUP LTD.,
PARIGI ENTERPRISES-RETAIL LLC,
PARIGI ENTERPRISES-WHOLESALE LLC,
PARIGI MMS HOLDINGS LLC and
MORRIS SROUR

Defendants.

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Defendant, PARIGI ENTERPRISES-WHOLESALE LLC (hereinafter referred to as
“Defendant” unless otherwise stated) by its attorneys, Lazarus & Lazarus, P.C., as and for its
Answer to the Complaint of Plaintiff, JIANGSU HIGH HOPE CORPORATION (“Plaintiff”)
states, as follows:

NATURE OF THE ACTION

1. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph 1 of the Complaint.
2. Defendant admits the allegations concerning itself but denies the allegations concerning the remaining entities provided in paragraph 2 of the Complaint.
3. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph 3 of the Complaint.

JURISDICTION AND VENUE

4. Defendant denies knowledge or information sufficient to form a belief as to the

truth of the allegations set forth in paragraph 4 of the Complaint, except refers to the statutes referenced therein for the contents thereof.

5. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 of the Complaint, except refers to the statutes referenced therein for the contents thereof.

PARTIES

6. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6 of the Complaint.
7. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7 of the Complaint.
8. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Complaint.
9. Defendant admits the allegations set forth in paragraph 9 of the Complaint.
10. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the Complaint.
11. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 11 of the Complaint.
12. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 12 of the Complaint.

STATEMENT OF FACTS

13. Defendant denies the allegations in paragraph 13 of the Complaint.
14. Defendant denies the allegations in paragraph 14 of the Complaint.

15. Defendant denies the allegations in paragraph 15 of the Complaint.
16. Defendant denies the allegations in paragraph 16 of the Complaint.
17. Paragraph 17 of the Complaint purports to state a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the acts and conduct which would give rise to a liability to Plaintiff as alleged in paragraph 17.
18. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 18 of the Complaint.
19. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 19 of the Complaint and refers to the books of Plaintiff and Defendant for a true statement of the accounts between the parties at the time.
20. Defendant denies the allegations in paragraph 20 of the Complaint.
21. Defendant denies the allegations in paragraph 21 of the Complaint.
22. Defendant denies the allegations in paragraph 22 of the Complaint.
23. Defendant denies the allegations in paragraph 23 of the Complaint.
24. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 24 of the Complaint and refers to Plaintiff's Exhibits B and C.
25. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 25 of the Complaint.

AS AND FOR A FIRST CAUSE OF ACTION

26. In response to the paragraph of the Complain marked and numbered 26, Defendant repeats their responses to paragraphs 1 through 25 of the Complain as if fully set forth herein.
27. Defendant denies the allegations in paragraph 27 of the Complaint.
28. Defendant denies the allegations set forth in paragraph 28 of the Complaint.
29. Defendant denies the allegations in paragraph 29 of the Complaint.
30. Defendant denies the allegations in paragraph 30 of the Complaint.
31. Defendant denies the allegations in paragraph 31 of the Complaint.

AS AND FOR A SECOND CAUSE OF ACTION

32. In response to the paragraph of the Complaint marked and numbered 32, Defendant repeats their responses to Paragraphs 1 through 31 of the Complaint as if fully set forth herein.
33. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 33 of the Complaint and refers to the purchase orders concerning liability.
34. Defendant denies the allegations set forth in paragraph 34 of the Complaint.
35. Defendant denies the allegations set forth in paragraph 35 of the Complaint and refers to Plaintiff's Exhibit B.
36. Defendant denies the allegations set forth in paragraph 36 of the Complaint and refers to Plaintiff's Exhibit B.
37. Defendant denies the allegations set forth in paragraph 37 of the Complaint.

38. Defendant denies the allegations set forth in paragraph 38 of the Complaint.

AS AND FOR A THIRD CAUSE OF ACTION

39-45. This cause of action has been dismissed concerning Defendant. *See Opinion and Order*, J. Crotty, dated March 29, 2018.

AS AND FOR A FOURTH CAUSE OF ACTION

46. In response to the Paragraph of the Complaint marked and numbered 46, Defendant repeats their responses to Paragraphs 1 through 45 of the Complaint as if fully set forth herein.

47. Defendant denies the allegations in paragraph 47 of the Complaint.

48. Defendant denies the allegations in paragraph 48 of the Complaint.

49. Defendant denies the allegations in paragraph 49 of the Complaint.

50. Defendant denies the allegations in paragraph 50 of the Complaint.

51. Defendant denies the allegations in paragraph 51 of the Complaint.

AS AND FOR A FIFTH CAUSE OF ACTION

52. In response to the Paragraph of the Complaint marked and numbered 52, Defendant repeats their responses to Paragraphs 1 through 52 of the Complaint as if fully set forth herein.

53. Defendant denies the allegations in paragraph 53 of the Complaint and refers to Plaintiff's Exhibits A, B and C concerning liability.

54. Defendant denies the allegations in paragraph 54 of the Complaint.

55. Defendant denies the allegations in paragraph 55 of the Complaint.

56. Defendant denies the allegations in paragraph 56 of the Complaint.

AFFIRMATIVE DEFENSES

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

57. The Complaint, in whole or in part, fails to state a claim upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

58. Plaintiff's claims are barred in whole or in part by accord and satisfaction.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

59. To the extent that Plaintiff has suffered any loss, such loss could have been avoided by taking measures reasonable under the circumstances to avoid or reduce loss. To the extent that Plaintiff has suffered any loss, Plaintiff's failure to mitigate such loss deprives it of the right to part or all of the compensation it seeks herein.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

60. The equitable relief sought is improper, inequitable, and unwarranted.

AS AND FOR A FIFTH AFFIRMATION DEFENSE

61. Plaintiff failed to mitigate its damages, if any.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

62. All of Plaintiff's causes of action are barred for and on account of its failure to set forth more than conclusory allegations.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

63. The Defendant hereby places the Plaintiff on notice that the Defendant intends to rely on such further defenses as may be revealed or developed during the course of discovery in this matter, and reserves the right to amend this answer to include

such defenses, including counterclaims, to the extent required and/or permitted by law.

WHEREFORE, Defendant, respectfully requests that:

1. This Court dismiss the Complaint in its entirety with prejudice;
2. The Court award Defendant the costs and expenses incurred in connection with this action, including reasonable attorneys' fees; and
3. The Court grant Defendant such other and further relief as is just and proper.

Dated: New York, New York
April 9, 2018

LAZARUS & LAZARUS, P.C.
Attorneys for Defendant PARIGI ENTERPRISES-
WHOLESALE LLC

By: _____

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